IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 21344 of 2007(N)

PETITIONER:

N.R.ROSHIBAN,
NJALUPPADY HOUSE, A.M.ROAD, PERUMBAVOOR.

BY ADV. SRI.V.GIRI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,
GOVT. OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
IDUKKI.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.21344 of 2007

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Dated this the 11th day of July, 2007

J U D G M E N T

The petitioner claims to be the owner in possession of certain lands in Byson Valley Village. The petitioner is sought to be dispossessed on the ground that the land has been leased for cardamom cultivation and the petitioner has violated the terms of the lease. Petitioner's contention is that it is not a land leased for cardamom cultivation at all. He would submit that *patta* has been issued under the Cardamom (Travancore) Rules, 1935 and therefore, he cannot be dispossessed as there is no provision in the Cardamom (Travancore) Rules, 1935 giving powers to the District Collector to cancel *patta*. The learned Government Pleader submits that the matter is under consideration of the District Collector and the

petitioner has already been heard in the matter. Therefore, this writ petition is premature.

2. After hearing both sides, I dispose of this writ petition directing that the petitioner shall not be dispossessed or his buildings demolished until after 7 days from the date of service of a copy of the order to be passed by the District Collector, on the petitioner. The contentions of the parties are left open.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

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P.A. to Judge.